

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL JERRY ROTHHAMMER,
Plaintiff,

-v-

COMMISSIONER OF SOCIAL
SECURITY,
Defendant.

21-CV-3684 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

By separate Order today, the Court is referring this case to the assigned Magistrate Judge for a report and recommendation on any motion for judgment on the pleadings. In accordance with this District's Standing Order governing challenges to denials of social security benefits (*see In re: Mots. J. Pleadings Social Sec. Cases*, 16-mc-171), the following briefing schedule applies:

- **Within 90 days of service**, the Commissioner must serve and file the Electronic Certified Administrative Record (e-CAR), which constitutes the Commissioner's answer, or otherwise move against the complaint.
- If Plaintiff wishes to file a motion for judgment on the pleadings, Plaintiff must do so **within 60 days** of the date on which the e-CAR was filed. The motion must contain a full recitation of the relevant facts and a full description of the underlying administrative proceeding.
- The Commissioner must file an answer brief **within 60 days** of the filing of Plaintiff's motion.
- Plaintiff may file a reply **within 21 days** thereafter.

Additionally, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C § 636(c), to conducting all further proceedings before a Magistrate Judge.

If both parties consent to proceed before a Magistrate Judge, counsel for the defendant must, within two weeks of the date on which Defendant enters an appearance, email to Oetken_NYSDChambers@nysd.uscourts.gov a fully executive Notice, Consent, and Reference of a Civil Action of a Civil Action to a Magistrate Judge form, a copy of which is available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>. If the court approves that form, all further proceedings will then be conducted before a Magistrate Judge rather than before me.

If either party does not consent to conducting all further proceedings before a Magistrate Judge, the parties must file a joint letter, within two weeks on which Defendant enters an appearance, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. There will be no adverse consequences should the parties decide not to proceed before the Magistrate Judge.

SO ORDERED.

Dated: April 28, 2021
New York, New York



J. PAUL OETKEN
United States District Judge